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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. 4:09-70757 WDB
14 Plaintiff,)
15 v.) STIPULATION AND ORDER FOR
16 DARIUS L. CHAPPILL,) PSYCHIATRIC EXAMINATION AND
17 Defendant.) REPORT TO DETERMINE MENTAL
18 _____) COMPETENCY OF DEFENDANT
19) PURSUANT TO 18 U.S.C. § 4241(B)

20 IT IS HEREBY STIPULATED, by and between the parties to this action, that Dr.

21 Chamberlain may conduct a psychiatric examination of the defendant, and that a psychiatric
22 report should be filed with the Court under seal, pursuant to the provisions of 18 U.S.C. § 4241(b)
23 and §§ 4247(b) and (c).

24 The defendant, DARIUS L. CHAPPILL, represented by COLLEEN MARTIN, Assistant
25 Federal Public Defender, and the government, represented by DOMINIQUE N. THOMAS,
26 Assistant United States Attorney, appeared before the Court on August 21, 2009, for the
27 defendant's initial appearance. During that initial hearing, the Court concluded that there was

1 reasonable cause to believe that, at that time, the defendant was not competent to proceed.

2 Accordingly, the Court continued the matter to August 24, 2009.

3 Defense counsel and the attorney for the government appeared for a status hearing on
4 August 24, 2009, outside the presence of the defendant. Upon defense counsel's request, the
5 Court ordered that Pretrial Services make arrangements to examine the defendant to evaluate the
6 defendant's mental health or substance abuse issues, if any. When the government attorney
7 inquired, Pretrial Services indicated that the requested psychiatric report should be completed
8 within two weeks. For that reason, the parties request that a status hearing be held on September
9 15, 2009.

10 The parties further stipulate that the time from August 24, 2009, to September 15, 2009,
11 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §
12 3161(h)(1)(A).

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14 DATED: August 25, 2008

DOMINIQUE N. THOMAS
Assistant United States Attorney

16 DATED: August 25, 2008

COLLEEN MARTIN
Assistant Federal Public Defendant

19 **ORDER**

20 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that under 18 U.S.C. §
21 4241(b) and §§ 4247(b) and (c), a psychiatric examination of the defendant shall be conducted
22 and a report of the examination shall be filed with the Court under seal, with copies provided to
23 defense counsel and the attorney for the government. A status hearing shall be held on September
24 15, 2009.

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1 IT IS FURTHER ORDERED that the time from August 24, 2009, to September 15, 2009,
2 shall be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §
3 3161(h)(1)(A), which excludes the time resulting from delay attributable to any proceeding,
4 including any examination, to determine the mental capacity of the defendant.

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6 SO ORDERED.

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8 DATED: August 27, 2009


HONORABLE WAYNE D. BRAZIL
United States Magistrate Judge

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